
UNITED STATES DISTRICT COURT

SOUTHERN DISTRICT OF TEXAS

United States of America,

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Plaintiff,

versus

Criminal H-08-374

Norberto Adolio Robles,

Defendant.

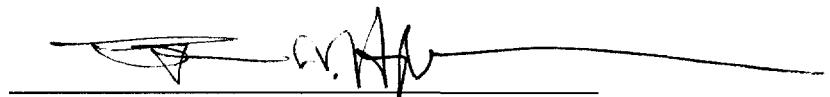
Findings and Conclusions

1. On June 9, 2008, Norberto Robles was arrested. The next day, he hired Eric Reed as his lawyer. On December 15, 2009, Robles pleaded guilty and the government dismissed one of the charges. His guilty plea was voluntary and knowing. He had reviewed the presentence report with his lawyers.
2. After almost two years of adequate representation by Reed and Eric Sunde, Robles fired them on April 6, 2010. After this, Robles did not show that he could not pay for counsel.
3. At the May 10, 2010, sentencing hearing, the court appointed Phillip Gallagher as standby counsel. Gallagher and Robles were given as much time as they wanted to discuss the case and for Gallagher to answer Robles's questions, including a recess in the hall.
4. Robles had pleaded guilty to a charge with a minimum mandatory sentence of ten years. Neither Gallagher nor another lawyer could have changed the earlier guilty plea or the statutory minimum he faced. The twenty to thirty minutes they met were sufficient to

answer Robles's questions and for a meaningful review of the case at that stage.

5. Gallagher fairly represented him at sentencing. The distinction between regular and standby counsel is meaningless at the sentencing in this case. Robles had full counsel when he pleaded guilty. As standby counsel, Gallagher performed every function that a fully retained counsel could have done at sentencing.

Signed on December 6, 2011, at Houston, Texas.



Lynn N. Hughes
United States District Judge